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*Attorneys for Plaintiff*  
BRIAN F. GORDON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BRIAN F. GORDON, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

APPLE COMPUTER, INC., and, DOES 1  
THROUGH 50, inclusive,

Defendant.

Case No. C 06 5358 JW

**CLASS ACTION**

**STIPULATION TO  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE**

1 WHEREAS, a Case Management Conference is currently scheduled for August 6, 2007;  
2 and

3 WHEREAS, counsel has scheduling conflicts on August 6, 2007, the date the Case  
4 Management Conference is currently scheduled;

5 IT IS HEREBY STIPULATED AND AGREED pursuant to the Northern District Local  
6 Rules 6-2(a), 7-12, and 16-2(e), that the Case Management Conference currently scheduled for  
7 August 6, 2007, shall be continued to **September 24, 2007 at 10:00 AM.**

8 SO STIPULATED.

9 Dated: August 2, 2007

PENELOPE A. PREOVOLOS  
ANDREW D. MUHLBACH  
JOHANNA W. ROBERTS  
NATALIE NAUGLE  
MORRISON & FOERSTER LLP

13 By: /s/ Penelope A. Preovolos  
14 Penelope A. Preovolos

15 *Attorneys for Defendant*  
APPLE COMPUTER, INC.

16 Dated: August 2, 2007

HELEN ZELDES  
LAW OFFICES OF HELEN ZELDES

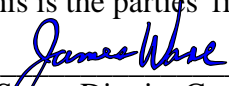
18 MEL E. LIFSHITZ  
19 RONALD J. ARANOFF  
20 SUSAN COLLYER  
BERNSTEIN LIEBHARD & LIFSHITZ, LLP

21 By: /s/ Helen Zeldes  
22 Helen Zeldes

23 *Attorneys for Plaintiff*  
24 BRIAN F. GORDON

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Case Management Conference  
26 is continued to September 24, 2007 at 10:00 AM. This is the parties' final request of continuance.

27 Date: August 3, 2007

  
United States District Court Judge

1  
2 I, Penelope A. Preovolos, am the ECF user whose ID and password are being used to file  
3 this Stipulation to Continuance of Case Management Conference. In compliance with General  
4 Order 45.X.B, I hereby attest that Helen I. Zeldes has concurred in this filing.  
5

6 Dated: August 2, 2007

PENELOPE A. PREOVOLOS  
ANDREW D. MUHLBACH  
JOHANNA W. ROBERTS  
NATALIE NAUGLE  
MORRISON & FOERSTER LLP

10 By: /s/ Penelope A. Preovolos

11 Penelope A. Preovolos

12 *Attorneys for Defendant*  
13 APPLE COMPUTER, INC.  
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**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION TO CONTINUANCE OF CASE MANAGEMENT CONFERENCE**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Keith M. Fleischman, Esq.  
Bernstein Liebhard & Lipshitz, LLP  
10 East 40<sup>th</sup> Street, 2<sup>nd</sup> Floor  
New York NY 10016

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 2<sup>nd</sup> day of August, 2007.

\_\_\_\_\_  
Carol J. Peplinski  
(typed)

\_\_\_\_\_  
/s/ Carol J. Peplinski  
(signature)

**ATTESTATION OF E-FILED SIGNATURE**

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Carol J. Peplinski has read and approved this Proof of Service and consents to its filing in this action.

Dated: August 2, 2007.

MORRISON & FOERSTER LLP

\_\_\_\_\_  
/s/ Penelope A. Preovolos  
/s/ Penelope A. Preovolos